WP(C) 2138/2007

BEFORE

HON'BLE JUSTICE HRISHIKESH ROY

Heard Mr. D. Das, the learned counsel appearing for the petitioner. Also heard Mr. A.K. Bhuyan, the learned Standing counsel for the Transport Department.

As agreed to by the learned counsels appearing for the parties, this case is being disposed of with the following order at motion stage itself.

The case in brief is that the petitioner is carrying on lamination business in the proximity of the office of the District Transport Officer, Kamrup located at Ulubari.

The petitioners are occupying tenanted spaces, from where they are conducting their business.

It has been argued that in order to carry on the business of the petitioners, they need to be located in close proximity to the office of the DTO and they are also required to work in tandem, with the officers and staff of the District Transport Office. Since the Office of the DTO is to be shifted from its present location at Ulubari to a new location at Betkuchi, Lokhra, the petitioner has made a claim for allotment of similar place in the new site of the DTO's Office to enable them to carry on their present business.

Mr. Bhuyan, the learned Standing counsel, Transport Department has submitted that another State Government undertaking AMTRON has been entrusted with the task of preparing the smart card with the embedded chip for preparation of Driving License and Registration Certificate and as the smart cards doesn't need laminations, there may not be any need for the services rendered by the petitioner. However, Mr. Das, the learned counsel for the petitioner submits that for issuing Learner's License for which smart card is not used and other related functioning, their service would still be necessary and AMTRON by operation of smart card may not be able to provide the same. In this context, the learned counsel for the petitioner refers to the communication dated 23.03.2007 issued by the Commissioner of Transport, wherein existing lamination units like the petitioner were entrusted to prepare uniformly styled electrically or computer typed Learner's Licenses.

In view of the rival submissions made as noted above, it is considered appropriate to direct the Respondent Authorities to take a reasoned decision on the claim made by the petitioner through the present petition as it would be appropriate for the Respondent Authorities to take a decision on the matter by considering the requirement of the Department and the public interest.

Accordingly, it is directed that the petitioners would file appropriate representation before the Commissioner, Transport Department. As some of the petitioners are stated to have already filed their representations before the authorities, they may either file the very same representation or may file a fresh representation. Such representations may be submitted within the next two days.

Within seven days thereafter, the Commissioner of Transport May take a decision on the representations to be filed by the petitioner. The Commissioner should also communicate the decision taken on the representation filed by the petitioner. Naturally any decision as may be taken, shall be supported by adequate reasoning to be given by the decision-making authority.

With the aforesaid directions, the writ petition is disposed of.